

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JRLDDS, LLC,

Plaintiff,

-v-

THE HARTFORD FINANCIAL SERVICES GROUP
INC. et al.,

Defendants.

21-CV-9487 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On December 9, 2021, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff ordinarily has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. In light of the upcoming holidays, however, the Court will allow Plaintiff more time to consider whether to amend or to oppose the motion.

Specifically, it is hereby ORDERED that Plaintiff shall file any amended complaint by **January 7, 2022**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.


If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **January 7, 2022**. Defendants' reply, if any, shall be filed by **January 14, 2022**.

In any opposition to Defendants' motion to dismiss, Plaintiff should address the import, if any, of this Court's previous decisions regarding insurance coverage disputes arising out of the COVID-19 pandemic. *See Spirit Realty Cap., Inc. v. Westport Ins. Corp.*, No. 21-CV-2261 (JMF), 2021 WL 4926016 (S.D.N.Y. Oct. 21, 2021); *100 Orchard St., LLC v. Travelers Indem. Ins. Co. of Am.*, No. 20-CV-8452 (JMF), 2021 WL 2333244 (S.D.N.Y. June 8, 2021).

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for December 21, 2021 is adjourned *sine die*.

SO ORDERED.

Dated: December 13, 2021
New York, New York



JESSE M. FURMAN
United States District Judge